

**COUNCIL MINUTES  
TIGARD CITY COUNCIL MEETING  
July 15, 2003**

**1. WORKSHOP MEETING**

- 1.1 Mayor Griffith called the meeting to order at 6:30 p.m.
- 1.2 Council Present: Mayor Griffith; Councilors Dirksen, Moore, Sherwood and Wilson
- 1.3 Pledge of Allegiance
- 1.4 Council Communications & Liaison Reports: None
- 1.5 Call to Council and Staff for Non Agenda Items

- Council agreed that City Engineer Duenas could present information to them about proposed amendments to the Sewer Reimbursement Program (See the paragraph marked with ">" after Agenda Item No. 3, beginning on Page 3.)
- Council agreed to consider approval of Intergovernmental Agreement (IGA) to provide for sharing of legal expenses: Rogers Machinery, Inc. – US Supreme Court Docket 02-750 – Petition for Writ of Certiorari (See Agenda Item No. 8.1, beginning on Page 4.)

**2. JOINT MEETING WITH THE INTERGOVERNMENTAL WATER BOARD –  
UPDATE ON LONG-TERM WATER SUPPLY**

IWB Members Norman Penner, Bill Scheiderich and Dick Winn were present.

Public Works Director Ed Wegner presented the update.

Wholesale water contract negotiations continue with most participating agencies involved. The process has not gone as quickly as outlined in the original timetable. About a third of the draft contract has been reviewed. Key issues include nominations of supply; rates and charges; customer withdrawal; curtailment; and funding and management of the capital improvement projects. Mr. Wegner reviewed the wholesale buyers' and the City of Portland's objectives to be met in the contract. The parties are currently meeting on a scheduled basis. Issues remaining include pricing, minimum purchase, joint funding and management of the capital improvement projects.

For the Joint Water Commission option, a City of Tigard membership proposal has been drafted and may be ready for approval this fall. It appears that this option will happen. Mr. Wegner reviewed the proposal, buy-in payment, and proposed projects schedule.

Mr. Wegner reviewed the status of the Willamette River Water Supply Agency (WWSA) and its history. Next week Council will consider a request for a new IGA changing the name of this entity to the Willamette River Water Coalition. Major elements of the new IGA include:

1. The new name: Willamette River Water Coalition
2. New general powers and duties statement
3. New membership list (Clackamas River Water has withdrawn )
4. New funding formula

The mission of the coalition is to protect the Willamette River and to protect Tigard's water rights.

The next joint meeting for Council and the IWB is scheduled for October 21, 2003.

### 3. POLICY DISCUSSION ON THE BULL MOUNTAIN PUBLIC FACILITIES AND SERVICES ASSESSMENT REPORT

Community Development Director Jim Hendryx and Long-Range Planning Manager Barbara Shields presented this item to the Council. The history of the issue and the growth management factors were reviewed. In addition, the impacts of the options available to annex all or some of the area were outlined: 1) site specific (status quo), 2) target areas, 3) entire area.

After discussion about the pros and cons of the above annexation choices, funding concerns, and what the County's position is on annexation, the following key points were made:

- Ask the County Board of Commission at its July 29 meeting with the Council about their interests and plans with regard to the Bull Mountain area's possible annexation to Tigard.
- Capital improvement projects could be phased in over a number of years and prioritized as is the process for addressing capital needs within the City of Tigard.
- Focus on areas to annex, which appear to want to come into the City, (may include areas not yet developed).

Two new urban growth areas are now adjacent to Tigard. Community Development Director Hendryx advised that it would not be necessary to annex the Bull Mountain area before considering annexation of these areas.

> REIMBURSEMENT DISTRICT PROGRAM DISCUSSION

City Engineer Gus Duenas reviewed some proposed amendments to the reimbursement programs, which were outlined in a handout distributed to the City Council. These amendments, Mr. Duenas advised, would make the program more equitable and encourage early connections. The proposed amendments address the disincentive for larger lot owners to connect their existing houses to sewer with payment. If the larger lot is subdivided in the future, a reimbursement fee would be charged at that time. Council supported the proposed amendments. A formal proposal to consider the amendments will be presented to Council on August 26, 2003.

4. BRIEFING ON RIGHT-OF-WAY MANAGEMENT STUDY

Finance Director Craig Prosser briefed the Council on the Right-of-Way Management Study. One of the conclusions was that "Tigard may have sufficient regulations already in place to protect the public health, safety, and welfare with regard to public rights of way, but there is room for improvement..." Mr. Prosser presented the significant conclusions of the report and the following recommendations:

1. Increase permit fees to recoup costs.
2. Assess a permit application fee.
3. Require all right-of-way users, including City water, sanitary sewer and storm sewer, to obtain permits.
4. Increase franchise fee percentages as allowed by state law.
5. Assess a water franchise fee.
6. Automate permit issuance and inspection process.
7. Map permit locations.
8. Investigate adoption of integrated computer system.
9. Adopt procedures to ensure the Street Maintenance Division is informed in advance of issued permits.
10. Require franchise utilities with blanket permits to pay annual permit fee.
11. Adopt procedures to insure all franchises have consistent language in significant areas.
12. Ensure that utilities consistently repair street cuts to City standards.
13. Require permit applicants to show proof of contact with the Oregon Utility Notification Center to verify locations of existing facilities.
14. Create a right-of-way manager position to coordinate City right-of-way policies and programs.

Council members discussed the findings of the study and were in general support.

5. POLICY DISCUSSION ON UPDATING PLANNING FEES

Community Development Director Hendryx presented this item. Staff is seeking direction from Council on updating planning fees to reflect the cost of processing land use permits and an option of charging a fee to offset costs for specialized planning studies. Staff is also seeking direction on an option for charging a fee to offset the costs of preparing specialized planning studies that are generally funded by grants or the general fund. After discussion, consensus of Council members was that they were not adverse to 100% cost recovery for planning services (including the urban forester's and engineering staff's time), and adjust the timing of review of planning fees to coincide with the April edition of the Engineering News Record. Also, staff will look further into the possibility of charging a fee to offset the costs of preparing specialized planning studies.

6. DISCUSS AGENDA ITEMS FOR THE JULY 29, 2003, MEETING WITH THE COUNTY BOARD OF COMMISSIONERS

After discussion, Council decided to limit the agenda items it would propose to discuss with the Board to the Bull Mountain area annexation and the two new areas of the Urban Growth Boundary adjacent to Tigard.

7. COUNCIL LIAISON REPORTS: None

8. NON-AGENDA ITEMS

8.1 Consider Approval of Intergovernmental Agreement (IGA) to Provide for Sharing of Legal Expenses: Rogers Machinery, Inc. – US Supreme Court Docket 02-750 – Petition for Writ of Certiorari

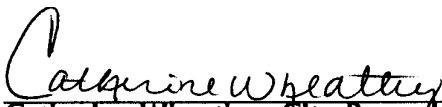
City Manager presented the staff report on this item. The proposed IGA sets forth the agreement among Washington County Cities to share in the defense of the Rogers Machinery case. Washington County is coordinating the payment for the defense of this case.

Motion by Councilor Moore, seconded by Councilor Sherwood, to enter into the proposed Intergovernmental Agreement with Washington County and authorize the City Manager to sign.

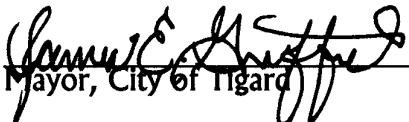
The motion was approved by a unanimous vote of Council present:

Mayor Griffith	-	Yes
Councilor Dirksen	-	Yes
Councilor Moore	-	Yes
Councilor Sherwood	-	Yes
Councilor Wilson	-	Yes

9. EXECUTIVE SESSION: Not held
10. ADJOURNMENT: 9:43 p.m.

  
Catherine Wheatley, City Recorder

Attest:

  
Mayor, City of Tigard

Date: August 26, 2003

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